

**Remarks**

Claim 1 has been amended. Claims 6-13 have been withdrawn. Claims 14-19 have been added. Claims 1-5, and 14-19 are currently pending in the case.

**I. Rejections under 35 U.S.C. 102 and 35 U.S.C. 103**

The examiner has rejected claims 1-5 under 35 U.S.C. 102(b) based on U.S. Patent No. 5,456,357 to Wenner. The examiner has rejected claims 2 and 4 under 35 U.S.C. 103(a) based on Wenner in view of U.S. Patent No. 6,178,897 B1 to Appeltans et. al.

The applicant does not necessarily agree with the examiner's rejections. However, claim 1 has been amended and now specifies:

1. An apparatus comprising:

a base; and  
a container, including a top portion and a bottom portion, wherein the top portion of the container is hinged to the bottom portion of the container;  
wherein the container is fixed to the base so that the top portion of the container can be rotated upwards to reveal a cavity in the container for storing objects;  
wherein the base is comprised of a first column, a second column, a top portion and a bottom portion, the first and second columns substantially perpendicular to the top and bottom portions of the base, the first and second columns substantially parallel to each other, the top and bottom portions of the base substantially parallel to each other;  
wherein the first column has a first end and a second end;  
wherein the second column has a first end and a second end;  
wherein the top portion of the base has a first end and a second end;  
wherein the bottom portion of the base has a first end and a second end;  
wherein the first end of the top portion of the base is fixed to the first end of the first column and the second end of the top portion of the base is fixed to the first end of the second column;  
wherein the first end of the bottom portion of the base is fixed to the second end of the first column and the second end of the bottom portion of the base is fixed to the second end of the second column;  
wherein the container is fixed to the base so that the container is substantially parallel to and between the top portion of the base and the bottom portion of the base, and so that the container is substantially perpendicular to and between the first column and the second column;

and wherein the container is fixed to the base so that the top portion of the container lies between the top portion of the base and the bottom portion of the base, regardless of whether the top portion of the container is rotated upwards.

In at least one embodiment of the present application, an apparatus 1 is disclosed. (Present application, Fig. 4, pg. 2, last paragraph). The apparatus 1 includes a base 10 and a container or case 100. (Id., Fig. 4, and pgs. 2-3). The container 100 includes a top portion or lid 102 and a bottom portion 104. (Id. at pg. 3, third paragraph). The top portion 102 is hinged to the bottom portion 104. (Id., at pg. 4, first paragraph). The container 100 is fixed to the base 10 so that the top portion 102 of the container 100 can be rotated upwards to reveal a cavity 110 for storing objects. (Id. at Fig. 3, pg. 3, fourth paragraph).

The base 10 is comprised of a first column or column member 86, a second column or column member 84, a top portion, which may include member 22, and a bottom portion, which may include member 26. (Id. at pg. 2, last paragraph – pg. 3, first paragraph, Figs. 1, 3, and 4). The first and second columns, 86 and 84, are substantially perpendicular to the top and bottom portions, such as including 22 and 26, of the base 10, the first and second columns, 86 and 84, are substantially parallel to each other, the top and bottom portions, such as including 22 and 26 of the base 10 are substantially parallel to each other. (Id.)

The first column 86 has a first end and a second end. (Id.) The second column 84 has a first end and a second end. (Id.) The top portion, such as including 22, of the base 10 has a first end and a second end. (Id.) The bottom portion, such as including 26, of the base 10 has a first end and a second end. (Id.) The first end of the top portion 22 of the base 10 is fixed to the first end of the first column 86 and the second end of the top portion 26 of the base 10 is fixed to the first end of the second column 84. (Id.) The first end of the bottom portion 26 of the base 10 is fixed to the second end of the first column 86 and the second end of the bottom portion 26 of the base 10 is fixed to the second end of the second column 84. (Id.)

The container 100 is fixed to the base 10 so that the container 100 is substantially parallel to and between the top portion 22 of the base 10 and the bottom portion 26 of the base 10, and so that the container 100 is substantially perpendicular to and between the first column 86 and the second column 84. (Id.) The container 100 is fixed to the base 10 so that the top portion 102 of the container 100 lies between the top portion 22 of the base 10 and the bottom portion 26 of the base 10, regardless of whether the top portion 102 of the container 100 is rotated upwards. (Id.)

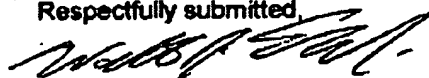
Wenner discloses a top container 16. (Wenner, Figs. 1-3, col. 2, lns. 35-46). The lid 44 of the top container 16 is not between a top portion and a bottom portion of a base. (Id.). Appeltans et al. discloses a portable briefcase 1 but does not disclose the combination of limitations of claim 1 of the present invention.

Claim 1 is submitted to be allowable for at least the foregoing reasons. Claims 2-5 and 14-19 are dependent on claim 1 and are submitted to be allowable for at least the same reasons.

## II. Conclusion

Claims 1-5 and 14-19 are respectfully submitted to be in a condition for allowance. Favorable reconsideration of this application is respectfully requested.

Respectfully submitted,



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